

# **SHELBY COUNTY LOCAL COURT BUSINESS RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through December 17, 2007

## **Rule**

LR73-CB00 Rule 1	Protective Orders
LR73-CB00 Rule 2	Community Transition Violations
LR73-CB00 Rule 3	Probation Fees
LR73-CB00 Rule 4	Bond Schedule
LR73-CB00 Rule 5	Amendment to Bond Schedule
LR73-CB00 Rule 6	Schedule of Fees for Court Alcohol and Drug Program Services

## **LR73-CB00 Rule 1                      Protective Orders**

1. The two attached forms<sup>1</sup>, Notice of Termination and Notice of Extension or Modification, shall be designated as the required format when such notices are deemed necessary.
2. In all criminal cases where such protective orders are in force and where the defendant is represented by counsel at the time the protective order is either terminated, extended or modified, it shall be the responsibility of defense counsel to prepare and file the appropriate notice. Where the defendant is unrepresented, the prosecutor shall prepare and file the notice.
3. In all civil cases where such protective orders are in force, it shall be the responsibility of the party who requested the order to prepare and file the appropriate notice.
4. No decree of dissolution will be entered by the Court until the appropriate notice is prepared and submitted.

Any issues arising under this Local Rule shall be resolved by the sitting Judge.

*Adopted effective May 19, 1999. Amended and renumbered as rule 1, September 30, 2005, effective October 11, 2005.*

<sup>1</sup>Not set out here.

## **LR73-CB00 Rule 2    Community Transition Violations**

Pursuant to Indiana Code 11-10-11.5-11.5 regarding the procedure for offenders who have violated the rules of the Community Transition Program, the Judges of Shelby County authorize the detention of an offender who has violated the rules of the Shelby County Transition Program in the Shelby County Criminal Justice Center pending their return to the Department of Correction upon request of the Director of Shelby County Community Corrections.

*Adopted effective June 5, 2003. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

## **LR73-CB00 Rule 3    Probation Fees**

- 1) Any probationer who requests their probation be transferred to a department outside the state of Indiana shall pay a \$75.00 fee to the Shelby County Probation Department through the Clerk of Shelby County.
- 2) Any probationer who lives in Indiana and outside Shelby County for whom a transfer of probation is sought to another probation department in Indiana by the Shelby County Probation Department or the probationer, shall pay a \$25.00 fee to Shelby County Probation through the Clerk of Shelby County.
- 3) Each person who is placed on probation as a result of a felony conviction shall pay a \$100.00 administrative fee. Each person who is placed on probation as a result of a misdemeanor conviction shall pay a \$50.00 administrative fee. Said fees shall be paid to the Shelby County Probation Department through the Clerk of Shelby County and shall be applied first before all other fees.
- 4) The parents of each child adjudicated a delinquent and placed on probation shall be required to pay a \$100.00 administrative fee to Shelby County Probation through the Clerk of Shelby County.
- 5) The above fees are in addition to the probation user fees.

*Adopted effective July 30, 2003. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.*

#### **LR73-CB00 Rule 4    Bond Schedule**

THE FOLLOWING IS THE PRESUMPTIVE BOND SCHEDULE FOR ALL SHELBY COUNTY COURTS:

**NO BOND: THIS BOND SCHEDULE SHALL NOT BE USED FOR NOR APPLICABLE TO THE FOLLOWING CASES: 1) A DEFENDANT WHO HAS BEEN ARRESTED FOR A CRIME WHILE ON PROBATION, PAROLE, BOND, OR RELEASED ON OWN RECOGNIZANCE. 2) ANY PERSON ARRESTED ON A CHARGE OF INVASION OF PRIVACY, DOMESTIC BATTERY, OR STALKING. IN SUCH CASE, THE DEFENDANT SHALL BE DETAINED IN CUSTODY UNTIL THE DEFENDANT'S INITIAL HEARING.**

ALL FELONIES ABOVE CLASS D WILL HAVE BOND SET AT THEIR INITIAL HEARING.

ALL CLASS D FELONIES WILL BE \$7,500.00 BOND – 10% CASH ALLOWED.

OPERATING MOTOR VEHICLE WHILE INTOXICATED, CLASS A MISDEMEANOR, WILL BE \$5,000.00 BOND – 10% CASH ALLOWED.  
RESISTING ARREST, FLEEING

POLICE OFFICER	\$2,500.00 – 10% Cash Allowed
ALL OTHER CLASS A MISDEMEANORS	\$1,000.00 – 10% Cash Allowed

CLASS B MISDEMEANORS, CONSUMPTION  
OF ALCOHOL, CLASS C MISDEMEANOR;  
AND FURNISHING ALCOHOL TO A

MINOR, CLASS C MISDEMEANOR	\$ 500.00 – 10% Cash Allowed
ALL OTHER CLASS C MISDEMEANORS	Release on Own Recognizance O/R

ALL MISDEMEANOR AND CLASS D DRIVING WHILE INTOXICATED  
WILL BE SCHEDULED INTO SUPERIOR COURT 2 AND SHALL BE SCHEDULED  
INTO COURT ON THE FOLLOWING THURSDAY AT 8:30 A.M. IF RELEASED ON  
BOND.

ALL OTHER FELONIES ARE POOL FELONIES AND THE COURT WILL  
BE DETERMINED BY A POOL DRAWING. ON CLASS D FELONIES, THE  
OFFENDER, WHEN RELEASED, SHOULD CHECK WITH THE CLERK'S OFFICE  
IF THE COURT HAS NOT BEEN DETERMINED TO FIND OUT WHICH COURT  
TO REPORT TO.

THE BOND STATED ON A WARRANT SHALL BE ALLOWED IN ALL  
WARRANT ARRESTS.

ANYONE CHARGED WITH A FELONY AND ON PROBATION SHALL BE  
HELD UNTIL THE INITIAL HEARING. THIS SHALL INCLUDE WARRANT  
ARRESTS.

*Adopted effective January 31, 2002. Amended October 4, 2005, effective October 1, 2005; amended and renumbered as Rule 4, September 30, 2005, effective October 11, 2005*

## **LR73-CB00 Rule 5    Amendment to Bond Schedule**

ANY PERSON TAKEN INTO CUSTODY WHO IS ON PROBATION, AS VERIFIED BY THE COURTS OR PROBATION DEPARTMENT, SHALL NOT BE RELEASED UNDER THE BOND SCHEDULE. THE JAIL MAY DEPEND UPON A LIST OF CURRENT PROBATIONERS PROVIDED BY THE PROBATION DEPARTMENT. SUCH PERSONS SHALL NOT HAVE THEIR BOND SET EXCEPT BY THE COURT AT THE FIRST AVAILABLE COURT SESSION.

*As effective March 1, 2000. Amended and renumbered as Rule 5, September 30, 2005, effective October 11, 2005.*

## **LR73-CB00 Rule 6    Schedule of Fees for Court Alcohol and Drug Program Services**

The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services.

<b>Shelby County</b>	
<b>Alcohol and Drug Abuse Program</b>	
<b>I.</b>	<b>Assessment w/Recommendation and PRIME .....\$325.00</b>
<b>II.</b>	<b>Transfer out (No PRIME)..... \$50.00</b>
<b>III.</b>	<b>Transfer In without Assessment and PRIME.....\$300.00</b>
<b>IV.</b>	<b>Transfer In with Assessment (No PRIME).....\$100.00</b>
<b>V.</b>	<b>Assessment Only.....\$100.00</b>
<b>VI.</b>	<b>Prime Only.....\$100.00</b>
<b>VII.</b>	<b>Case Management Only.....\$100.00</b>
<b>VIII.</b>	<b>Urine Screens.....\$25.00</b>
<b>IX.</b>	<b>Pre-Trial Assessment w/Recommendation and PRIME...\$275.00</b>

*As effective April 1, 2008.*

# **SHELBY COUNTY LOCAL ADMINISTRATIVE RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through December 17, 2007

## **Rule**

LR73-AR15 Rule 1 Court Reporter Services  
LR73-AR00 Rule 2 Local Caseload Plans  
LR73-AR00 Rule 3 Shelby County Caseload Allocation Plan

## **LR73-AR15 Rule 1 Court Reporter Services<sup>1</sup>**

### **SECTION 1 DEFINITIONS**

1.<sup>2</sup> The definitions contained in Administrative Rule 15(B) are adopted for use in this Rule and control any question of interpretation. For the purposes of this Rule, the Regular Hours worked by the Court Reporting Staff shall be Monday through Friday from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 4:00 p.m. The Work Week shall be a seven day period beginning on Sunday and ending on Saturday of each week and shall contain thirty-five (35) hours for which salaried compensation shall be paid.

### **SECTION 2 COMPENSATION**

1.<sup>2</sup> The Court Reporter shall work under the control, direction and direct supervision of the Court during all hours of employment and shall be paid an annual salary for regular hours worked during a Work Week. The salaries shall be set by the Court and approved by the County Council. Gap Hours shall be compensated in time off from work in an amount equal to the number of Gap Hours worked. Overtime Hours shall be compensated in an amount equal to one and one-half (1 ½) times the number of Overtime Hours worked.

### **SECTION 3 DUTIES AND RESPONSIBILITIES**

- 1.<sup>2</sup> The duties of a Court Reporter shall include:
- (a) Reporting the evidence presented in Court proceedings;
  - (b) Preservation and storage of reported testimony and any physical evidence presented in Court proceedings;
  - (c) Preparation of Chronological Case Summary entries at the direction of the Court and providing notice thereof as required by the Rules of Trial Procedure;

- (d) Preparation of written documents to effectuate the rulings, orders and judgments of the Court or to comply with the Rules of the Indiana Supreme Court;
- (e) preparation of transcripts of evidence presented in Court proceedings requested pursuant to the Rules of Trial Procedure; and,
- (f) Such other functions and responsibilities as required by law or the Court for its effective administration.

#### **SECTION 4 MAXIMUM PER PAGE FEE**

1. A Court Reporter shall not charge more than the following per page:
  - (a) \$4.25 for a county indigent transcript of evidence for appealed cases; The Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts of evidence.
  - (b) \$4.25 for state indigent transcript of evidence for appealed cases;
  - (c) \$4.25 for civil transcripts of evidence for appealed cases;
  - (d) \$4.25 for non-appeal transcripts;
  - (e) \$3.75 for deposition transcripts and \$1.25 for copies if Reporter elects to use Court facilities, equipment and/or supplies in the exercise of her private practice;
  - (f) \$6.50 for expedited transcripts
  - (g) \$1.50 for copies of transcripts.
2. Court Reporter shall be allowed \$5.00 for each transcript disk provided.
3. Court Reporter's Certification fee for transcripts shall be \$10.00.
4. Each Court Reporter shall annually report all compensation received for transcripts to the Indiana Supreme Court Division of State Court Administration.

#### **SECTION 5 PRIVATE PRACTICE**

1. A Court Reporter may elect to engage in the private practice of recording of and preparation of deposition transcripts. Such activity, regardless of whether the deposition concerns a case pending before the Court, shall be conducted outside of regular working hours. If a Reporter, in the exercise of such private practice, utilizes, with the consent of the Court, Court facilities, equipment and/or supplies, the Reporter shall reimburse the Court for such usage pursuant to a written agreement between the Court and Reporter.
2. Such agreement shall establish the:
  - (a) Reasonable market rate for the use of equipment, facilities and supplies;
  - (b) Method by which records are kept for the use of the same; and,

- (c) Method by which the Reporter shall reimburse the Court for such usage.

*Adopted May 28, 1998, effective June 1, 2008. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended effective December 17, 2007.*

<sup>1</sup> See, also Rule 2

<sup>2</sup> There is no Section 1.2, 2.2, or 3.2 in this rule.

## **LR73-AR00 Rule 2 Local Caseload Plans**

### **I. Caseload Allocation**

#### **A. Criminal Cases**

1.<sup>1</sup> Criminal case allocation shall continue to operate as specified in Amended Joint Local Rule No. 1

#### **B. Civil Cases**

##### *1. Juvenile Cases*

a.<sup>2</sup> All Juvenile cases (JC, JT, JD, JS, JM, and JP) shall continue to be filed in Shelby Superior Court No. 1

##### *2. Remaining Civil Cases*

a. All Civil Plenary (CP) cases shall be filed alternately in Shelby Circuit Court and Shelby Superior Court No. 1

b. All Domestic Relations (DR) cases shall be filed alternately in Shelby Circuit Court and Shelby Superior Court No. 1

c. All Reciprocal Support (RS) cases shall be filed in Shelby Circuit Court.

d. All Protective Orders (PO) cases shall be filed in Shelby Circuit Court

e. All Small Claims (SC) shall be filed in Shelby Superior Court No. 2

f. All remaining types of civil cases (AD, AH, CT, ES, EU, GU, MH, MI and TR) shall be filed as requested by the initiating party.

### **II. Evaluation of Caseload Allocation**

**A.** The Allocation of Judicial Resources described herein should place the Shelby County Courts in compliance with guidelines issued by the Indiana Supreme Court's Order for Development of Local Caseload Plans. No later than March 1 of each year, the judges of the courts of record in Shelby County shall meet and evaluate the caseload data as reported to the Indiana Supreme Court Administration.

**B.** The caseload evaluation shall factor in the allocation of administrative duties among the judges as well as any special circumstances such as death penalty cases.

**C.** Special service by Shelby County judges outside their own courts or special, senior judges or transfer judges serving in the Shelby County Courts shall also be considered. Such service shall be calculated in accordance with the weighted caseload worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration.

**D.** Modification or changes necessary for the Shelby County Courts to remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judges and shall become effective on April 1 of each year.

Adopted as local Rule 1991-1, September 8, 1999, effective November 1, 1999.

Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.

<sup>1</sup>*There is no Subd. I.A.2. in this rule*

<sup>2</sup>*There is no Subd. I.B.1.b. in this rule.*

### **LR73-AR00 Rule 3 Local Caseload Plans**

#### **Criminal Cases**

- a) All pool felonies as defined in Local Rule 73-CR2.2-1, shall filed in the respective courts in the following percentages:
  - 45% in Shelby Circuit Court
  - 45% in Shelby Superior Court No. 1
  - 10% in Shelby Superior Court No. 2
- b) All misdemeanor and non-pool class D felonies shall be filed in Shelby Superior Court No. 2.

#### **Civil Cases**

- a) Small claims and Infractions shall be filed in Shelby Superior Court No. 2.
- b) Protective orders shall be filed in Shelby Circuit Court unless there is a related case in one of the other courts in which case the Protective Order case would be filed in the other court along with the related case.
- c) Mortgage Foreclosure (MF), Plenary (PL), Civil Collections (CC), and Domestic Relations (DR) cases shall be filed on an alternate basis between Shelby Circuit Court and Shelby Superior Court No. 1.
- d) All other civil actions shall be filed in the court chosen by the initiating party.

#### **Juvenile Cases**

All juvenile cases shall be filed in Shelby Superior Court No. 1

The revised Caseload Allocation Plan is the current caseload plan with the only modification the assignment of pool felonies between Circuit and Superior Court 1 courts. This modification will bring the Shelby County Courts within the forty (40%) percent variance based on the weighted caseload measures system.



# **SHELBY COUNTY LOCAL TRIAL RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006

## **Rule**

LR73-TR45 Rule 1. Pool Felony

LR73-TR76 Rule 2. Selection of Special Judge

### **LR73-TR45 Rule 1. Pool Felony<sup>1</sup>**

(b) All felonies, except class D felony Driving While Intoxicated cases (hereafter “pool” felonies), shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving sixty percent (60%), Shelby Circuit Court thirty percent (30%) and Shelby Superior No. 2 receiving ten percent (10%) of said cases;

(1) All co-defendants in “pool” felony cases shall be assigned to the same court, based upon a single random draw by the Shelby County Clerk.

i. The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the cases involve co-defendant;

ii. Each case will be assigned an individual cause number;

iii. For purposes of this Rule, the cases involve co-defendants if:

1. the cases arise from a common scheme or plan;
2. the cases are closely connected in respect to time, place, occasion or events;
3. each of the defendants is charged with substantially the same or overlapping offenses;
4. one or more of the defendants is alleged to have aided, induced or conspired with another defendant to commit an offense charged; or
5. the defendants could be joined in the same indictment or information under I.C. 35-34-1-9.

(2) Except in felony cases involving co-defendants under (b) (1) above, any new “pool” felony case filed against a defendant who has an open “pool” felony case already pending in any Court, shall be assigned to the Court where the current case is pending.

i.<sup>2</sup> The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.

*Joint Local Rule No. 1, amended effective October 1, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005.*

<sup>1</sup>See, also, Criminal Rule 1 as to Subds. (a) and (c) to (g).

<sup>2</sup>There is no Subd. (b) (2)ii. in this rule.

## **LR73-TR76 Rule 2. Selection of Special Judge**

- A. Selection of special judges in cases involving a change of judge, disqualification or recusal.
  - 1. Pursuant to T.R. 79 (D), parties to a civil action may agree with consent of the judge selected to any particular judge.
  - 2. Pursuant to T.R. 79 (E), in absence of an agreement as to a particular special judge, the parties, alternatively, may agree to have the regular sitting judge appoint a special judge.
- B. Additional procedures for selection of special judges in cases involving a change of judge.
  - 1. In the absence of an agreement as to a particular special judge, pursuant to A(1) above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to A(2) above, then pursuant to T.R. 79(F), the regular sitting judge shall name a panel of three judges including the other Shelby County Circuit or Superior Court judge(s) and one judge from Hancock County or Johnson County. However, if a party to a case is a member of the family of any Shelby County Judge, then the judge shall appoint a panel of judge(s) from Hancock County or Johnson County. For purposes of this rule, a member of the judge's family shall be defined in the Code of Judicial Conduct.

If Shelby County does not have a sufficient number of regular sitting judges, then the sitting judge shall name a panel including the available local judge(s) and judge(s) from Hancock County or Johnson County.

If a special judge selected under section (B) does not accept the case then the Clerk of Shelby County shall randomly select from the Judges of Shelby County, Hancock County, and Johnson County.

- C. Selection of special judges in cases involving disqualifications or recusals.
  - 1. In the absence of an agreement as to a particular special judge, pursuant to A(1) above, or an agreement to have the regular sitting judge appoint a special judge, pursuant to A(2) above, then the Clerk of Shelby County shall, on a rotating basis select a judge remaining from the judges of Shelby, Hancock and Johnson Counties. A person appointed to serve as special judge under section (C) must accept jurisdiction unless disqualified under the *Code of Judicial Conduct*, ineligible for service under Ind. Trial Rule 79 or excused by the Indiana Supreme Court.
- D. A judge of Shelby Circuit or a Superior Court may, in the interests of justice or judicial economy, transfer and reassign a civil case to any other court of record in

Shelby County by appropriate order entered in the Record of Judgments and Orders, subject to acceptance by the receiving court.

E. Certification to the Indiana Supreme Court.

If no Special Judge accepts appointment using any of the methods recited herein above, the regular sitting judge shall certify to the Supreme Court for naming of a special judge.

The sitting judge may forego the requirements set forth herein and certify immediately to the Indiana Supreme Court for the appointment of a special judge if the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court.

Adopted as Coordinated Local Rule, 1995. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005. *Amended effective April 8, 2009.*

# **SHELBY COUNTY LOCAL** **FAMILY LAW RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 16, 2006

## **Rule**

LR73-FL00 Rule 1. Dissolution Education Workshop  
LR73-FL00 Rule 2. ADA in Domestic Relations  
LR73-FL00 Rule 3. Guardian Ad Litem Fees

### **LR73-FL00 Rule 1. Dissolution Education Workshop**

Pursuant to I.C. 31-1-11.5-19, Shelby Circuit Court, Shelby Superior Court I and Shelby Superior Court II find that the best interests of the minor child or children of the parties shall be served by encouraging mediation and cooperation between divorcing parents prior to and after the dissolution of their marriage.

The Courts further find that the Mandatory Divorce Workshop will:

1. Aid parents in post-separation parenting;
2. Encourage agreements between parties concerning child related matters; and,
3. Aid Courts in maximizing the use of Court time.

THEREFORE, Shelby Circuit Court, Shelby Superior Court I and Shelby Superior Court II now Order both parties in any Dissolution of Marriage cause of action in which there are minor children to attend the workshop entitled "Children Cope With Divorce". Attendance shall be mandatory for all parties in any Dissolution of Marriage filed on or after April 1, 1994, if there are unemancipated children under eighteen (18) years of age.

Each party must complete the four-hour course prior to the Final Hearing. The parties shall be responsible for paying the cost of the program, currently Thirty-five Dollars (\$35.00) per person; waiver of the fee for indigency may be allowed.

The parties in this cause of action are ordered to contact:

The Visiting Nurse Service  
4701 N. Keystone Avenue  
Indianapolis, IN 46205  
(317) 722-8201  
1-800-248-6540

within fifteen (15) days of their notice of this Order to make an appointment to attend the workshop without further notice. Failure to complete the workshop may result in a party having to show cause why he/she should not be held in contempt of Court.

The Sheriff of Shelby County is ordered to make due service of the Notice of Order on the Respondent when the Petition for Dissolution is served and make due return thereon.

*Adopted and effective April 9, 1996. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005.*

## **LR73-FL00 Rule 2. ADR in Domestic Relations**

**1. PROGRAM OVERVIEW.** The purpose of the ADR Plan is to provide alternative dispute resolution opportunities to litigants involved in dissolution of marriage, legal separation and paternity cases. The goal is to offer litigants the opportunity to resolve conflict amicably, arrive at acceptable resolutions, have ownership of outcomes, and provide a basis upon which to resolve later issues all with the overriding goal of furthering the best interests of children.

A primary aspect of the program is to provide alternative dispute services to litigants of modest means.

The forms of alternative dispute to be used are mediation, arbitration and family counseling in high conflict cases. Mediation will be the favored process. The parties may agree to submit to non-binding arbitration. Courts may require the parties submit to non-binding arbitration. Court may require the parties to participate in counseling in high conflict matters. If mediation or arbitration are used, the Indiana Rules for Alternative Dispute Resolution apply.

The ADR Plan is to be effective with cases filed after September 1, 2005. The Clerk of Shelby County shall commence collecting the additional \$20.00 alternative dispute resolution fee, pursuant to Indiana Code 33-4-13-1, on September 1, 2005.

**2. ELIGIBILITY CRITERIA.** All domestic relations litigants with custody and/or visitation disputes reasonably expected to take one hour or more of court time to litigate their custody and/or visitation dispute shall be required to participate in the ADR Plan.

A party currently charged with or convicted of a crime under Indiana Code 35-42- et seq. Or a substantially similar crime in another jurisdiction may not participate in the ADR Plan.

**3. FINANCIAL QUALIFICATIONS.** Litigants whose income is less than 125% of the federal poverty guidelines and have less than \$10,000.00 of assets will participate without cost. Litigants whose income is between 125% and 175% of the federal poverty guidelines and have less than \$20,000.00 of assets will pay a co-payment of \$50.00 per hour for the services of the mediator. Litigants whose income is less than 125% and have \$20,000.00 or more in assets will co-pay

\$50.00 per hour for the services of the mediator. Litigants whose income is greater than 175% of the federal poverty guidelines or who own more than \$20,000.00 in assets will pay the mediator the normal hourly rate of the mediator.

**4. REFERRAL AND PLAN ADMINISTRATION.** Evette Spurling, administrator of the Shelby County Public Defender Program and Pro Bono Program, will be the Plan Administrator. She will be responsible for the initial intake of litigants. If a litigant is determined to qualify for no-cost or reduced rate mediation, they will be referred to a volunteer mediator through the Shelby County Pro Bono Program. If the litigant is determined not to qualify for no-cost or reduced rate mediation, the litigant may choose the alternative dispute resolution facilitator of their choice. If one party qualifies but one does not, they shall be referred to a volunteer mediator and the non-qualifying party shall pay the mediator the normal hourly charge of the mediator.

Attorneys and Judges shall refer the appropriate cases to the ADR Plan. All registered domestic law mediators, including Senior Judges, are eligible to act as mediators under the plan.

Funds generated by the Plan shall be managed by the Shelby County Auditor.

**5. PLAN EDUCATION.** Information about the Plan, including the additional \$20.00 filing fee, its implementation, purpose and goals will be presented to the Shelby County Bar Association, the Shelby County Clerk, and local mental health counselors. The general public will be advised through newspaper and radio outlets.

**6. PLAN COORDINATION.** The ADR Plan will work closely with the Shelby County Pro Bono Program to facilitate the resolution of domestic relations cases without the necessity of extended court hearings. Participants in the Pro Bono Program in domestic relations cases will be required to participate in the ADR Plan to attempt an amicable resolution of the case. The ADR Plan will provide a funding source for resolution of high conflict disputes for litigants of modest means.

**7. PROJECTED BUDGET.** The Shelby Circuit Court estimates \$3,000.00 will be collected annually. These figures are based on the total number of domestic cases filed in 2004 in Shelby Circuit Court (160) and Shelby Superior Court No. 1 (158). There were approximately 5 private paternity actions filed in 2004. There were approximately 20 domestic relation cases filed in which the filing fee was waived or reduced.

## **PROJECTED ANNUAL BUDGET**

Income	\$6,200.00
Expenses	6,200.00
Compensation for intake and referral Coordinator	
$\$13.28/\text{hour} \times 5 \text{ hours/week} \times 52 \text{ weeks} =$	3,452.80
Publicity regarding program	250.00
High conflict counseling	1,497.20
Mediation*	1,000.00
	\$6,200.00

\*Mediation costs are low because most mediators will serve on pro bono basis as part of their voluntary participation in Shelby County Pro Bono Plan.

**9. PROGRAM EVALUATION AND REPORTING.** An annual Report containing data related to the Plan shall be submitted to the judicial Conference by December 31 of each year. It shall be the responsibility of the Judge of Shelby Superior No. 1 to prepare and submit the Annual Report. The Annual Report shall be used to evaluate the program in conjunction with ongoing discussions with the Plan Administrator and representatives from the Pro Bono Program. The Judges and representatives from the Pro Bono Program will also evaluate the Plan on an ongoing basis by reviewing exit surveys which each participant will be asked to complete.

*Adopted as ADA Plan. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

### **LR73-FL00 Rule 3. Guardian Ad Litem Fees**

The Shelby County Courts, recognizing it is appropriate to require parents and custodians of children who are involved in litigation and use the services<sup>1</sup> of the Shelby County Guardian Ad Litem to be financially responsible for those services, hereby establishes a standard fee schedule for the services<sup>1</sup> of the Shelby County Guardian Ad Litem in cases other than Child in Need of Services cases.

- 1) For custody and/or visitation evaluations, each parent/custodian shall pay the sum of \$200.00.
- 2) For cases in which the services of the Guardian Ad Litem is required on an ongoing basis, each parent/custodian shall pay the sum of \$75.00 per month.

The Court in which the case is pending retains the discretion to deviate from the schedule in a particular case based upon the circumstances of the parties.

*Adopted effective November 18, 1997. Amended and renumbered as Rule 3, September 30, 2005, effective October 11, 2005.*



# **SHELBY COUNTY LOCAL CRIMINAL RULES**

*Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006*

## **Rule**

LR73-CR2.2 Rule 1. Criminal Caseload Assignment

LR73-CR2.2 Rule 2. Service of subpoenas in criminal cases

### **LR73-CR2.2 Rule 1. Criminal caseload Assignment**

- (a) All misdemeanors and class D Felony Driving While Intoxicated cases shall be filed in Shelby Superior No. 2;
- (b) All felonies, except class D Felony Driving While Intoxicated cases, (hereafter “pool felonies”) shall be assigned on a random basis among the three courts by the Shelby County Clerk with Shelby Superior No. 1 receiving ~~sixty~~ forty-five percent (45%) of said cases, Shelby Circuit receiving forty-five percent (45%) of said cases and Shelby Superior No. 2 receiving ten percent (10%) of said cases;
- (c) The most serious level of charge filed determines if the case is assigned automatically to Shelby Superior No. 2 or if the case is randomly assigned by the Shelby County Clerk;
- (d) When the State of Indiana dismisses a pool felony case and chooses to refile that case, the case shall be assigned to the court from which dismissal was taken;
- (e) All co-defendants in pool felony cases shall be assigned to the same court based upon a single random draw by the Shelby County Clerk;
  - (i) The Shelby County Prosecutor’s Office shall notify the Clerk at the time of filing if the cases involve co-defendants;
  - (ii) Each case will be assigned an individual cause number;
  - (iii) For purposes of this Rule, the cases involve co-defendants if:
    - (1) the cases arise from a common scheme or plan;
    - (2) the cases are closely connected in respect to time, place, occasion or events;
    - (3) each of the defendants is charged with substantially the same or overlapping offenses;
    - (4) one or more of the defendants is alleged to have aided, induced or conspired with another defendant to commit an offense charged;
  - or

(5) the defendants could be joined in the same indictment or information under I.C. 35-34-1-9.

(f) Except in felony cases involving co-defendants as defined above, any new pool felony case filed against a defendant who has an open pool felony case already pending in any Court, shall be assigned to the Court where the current case is pending. The Shelby County Prosecutor's Office shall notify the Clerk at the time of filing if the defendant has a pending pool felony case.

(g) A judge of Shelby Circuit or a Superior Court may, by appropriate order entered in the Record of Judgments and Orders, transfer and reassign to any other court of record in the county with jurisdiction to hear the charged offense(s), any pending case subject to acceptance by the receiving court, where the interests of justice or the interest of judicial economy so require.

(h) The prosecuting attorney or the defendant may seek to transfer a case, and upon good cause shown, a case may be transferred to any of the other courts for consolidation with a companion case, or with other cases pending in that court against the defendant with the acceptance of the judge of the receiving court.

(i) In the event a motion for change of judge is granted or it becomes necessary to reassign a felony or misdemeanor case in Shelby Circuit or Shelby Superior Courts, the Clerk shall maintain a list containing the names of the judges of the Shelby County Courts and the names of the judges of the circuit and superior courts of Hancock, Rush, Decatur, Bartholomew and Johnson Counties, who have agreed to serve. Whenever an appointment of a successor judge becomes necessary the case shall be reassigned to one of the judges on the Clerk's list on a rotation basis.

(j) Should a judge not be available for assignment from the Clerk's list or the particular circumstances of the case require a selection of a special judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme court pursuant to Criminal Rule 13(d).

*Adopted as Joint Local Rule No. 1, effective October 11, 2001. Amended and renumbered as Rule 1, September 30, 2005, effective October 11, 2005. Amended on April 8, 2009.*

<sup>1</sup>See, also, Trial Rule 1.

**LR73-CR2.2 Rule 2. Service of subpoenas in criminal cases**

(a)<sup>1</sup> The Shelby County Sheriff's Department shall serve subpoenas without cost in criminal cases where a defendant is represented by a public defender.  
*Adopted as Joint Local Rule No. 8, effective February 22, 2000. Amended and renumbered as Rule 2, September 30, 2005, effective October 11, 2005.*

<sup>1</sup>There is no Subd. (b) in this rule.

# **SHELBY COUNTY LOCAL SMALL CLAIMS RULES**

Amended September 30, 2005, Effective October 11, 2005  
Including Amendments Received Through October 15, 2006

## **Rule**

LR73-SC8 Rule 1. Policies and Procedures for Implementation of Small Claims Rule 8

## **LR73-SC8 Rule 1. Policies and Procedures for Implementation of Small Claims Rule 8**

**The following policies and procedures will be utilized in order to properly  
implement Small Claims Rule 8.**

1. A natural person may appear pro se or by counsel.
2. A sole proprietor may appear by the sole owner or by counsel.
3. A partnership may appear by a general partner or by counsel.
4. A sole proprietor or partnership may appear by a full-time employee if the claim does not exceed \$1,500.00 and proper filings have been made. (See item 7 below.
5. A corporation or limited liability corporation, (LLC), must appear by counsel if the claim exceeds \$1,500.00.
6. A corporation or LLC may appear by a full-time employee if the claim does not exceed \$1,500.00 and proper filings have been made. (See item 7 below).
7. The filings required for an employee to appear in a small claims proceedings are as follows:
  - a. A corporation or LLC must have filed a resolution designating the employee and expressing compliance with Small Claims Rule 8.
  - b. A sole proprietor or partnership must have filed a certificate by the owner or each of the partners designating the employee and expressing compliance with Small Claims Rule 8.
  - c. Each designated employee must have filed an affidavit affirming that he or she is a full-time employee and that they have not been suspended or disbarred from the practice of law in Indiana.
8. The filings noted above shall be filed in Shelby County Superior Court II prior to any action being undertaken by the party. If an action is already filed, it will not proceed, and may be dismissed or defaulted if proper filings are not submitted.
  - a. Miscellaneous entries shall be made for each filing in the Clerk's Office. Superior Court II staff shall provide minutes to the Clerk for those entries.

b. A master list of filings shall be maintained by Superior Court II and provided to the Clerk.

c. Basic forms will be available from Superior Court II and the Clerk's Office. Copies are attached as part of this rule.

9. Filings shall expire after five years and must be re-filed after that period.

**NOTICE TO ATTORNEYS AND SMALL CLAIMS LITIGANTS  
PURSUANT TO RULE 2(b) (4) (a) OF THE INDIANA RULES FOR  
SMALL CLAIMS IF A CLAIM INVOLVES A WRITTEN CONTRACT,  
WHICH WOULD INCLUDE A WRITTEN LEASE, IT MUST BE  
ATTACHED TO THE NOTICE. ONE COPY FOR ALL DEFENDANTS  
AND ONE COPY FOR THE COURT MUST BE PROVIDED TO THE  
CLERK. THE CLERK HAS BEEN INSTRUCTED NOT TO ACDEPT  
FILING OF A SMALL CLAIM THAT DOES NOT COMPLY WITH THIS  
RULE.**

*Adopted effective October 8, 2004. Amended and renumbered as Rule 1,  
September 30, 2005, effective October 11, 2005.*